

RELOCATION PLAN  
FOR THE  
US 50/SOUTH SHORE COMMUNITY  
REVITALIZATION PROJECT

Prepared for:

Tahoe Transportation District



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Prepared by:





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## INTRODUCTION

The Tahoe Transportation District (TTD) is proposing realignment of US Highway 50 between Nevada SR 207 in Stateline (near Edgewood Tahoe Golf Course) and Pioneer Trail in South Lake Tahoe, CA. The US 50/South Shore Community Revitalization Project (the Project) would realign US 50 in the Stateline casino corridor area and convert the existing US 50 roadway, between a location southwest of Pioneer Trail in California and Lake Parkway in Nevada, into a two-lane roadway (one travel lane in each direction) with a center, landscaped median and turn pockets at major driveways and intersections. Expanded sidewalks and bicycle lanes would be constructed in this section within the casino corridor to improve pedestrian safety and encourage use of alternative transportation modes, and traffic signals would be installed and synchronized to improve the flow of traffic. The Project is located along US Highway 50, from approximately 0.25 miles west of Pioneer Trail within the City of South Lake Tahoe, California to Nevada Route 207 within Douglas County, Nevada. The portion of the Project that is located within California is subject to oversight and approval by the California Department of Transportation (Caltrans). Likewise, the portion of the project that is located in Nevada is subject to review and approval by the Nevada Department of Transportation (NDOT). Additionally, since the project is also part of the federal highway system, the project is also subject to review and approval by the Federal Highway Administration (FHWA) offices located in California and Nevada.

Residential structures located within the area impacted by the road realignment are proposed to be acquired, and buildings may be demolished and/or removed. Approximately 55 properties may be purchased in full by TTD to allow construction of the Project.

Because of the displacement necessary to proceed with the Project, TTD faces certain statutory relocation obligations among which is the need to prepare a relocation plan which provides required demographic and planning information and sets forth the policies and procedures necessary to conform with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42 U.S.C. 4601 *et seq.*) (the Act). The following document is that Plan. The Plan was written by Bender Rosenthal, Inc. (BRI), a professional consulting firm specializing in commercial valuation and right of way services.

The Plan is organized in five sections:

1. The regional and specific location of the Project **(SECTION I)**;
2. An assessment of the relocation needs of those persons subject to displacement as a result of the Project **(SECTION II)**;
3. An assessment of replacement housing opportunities within the City of South Lake Tahoe area **(SECTION III)**;
4. A description of the policies and procedures that TTD will follow to meet displacee needs and ensure compliance with federal law **(SECTION IV)**; and
5. Necessary administrative provisions **(SECTION V)**.

## I. PROJECT SITE LOCATION AND DESCRIPTION

### A. REGIONAL SETTING

The Project is located along US Highway 50, from approximately 0.25 miles west of Pioneer Trail within the City of South Lake Tahoe, California to Nevada Route 207 within Douglas County, Nevada. (see **Figure 1**).

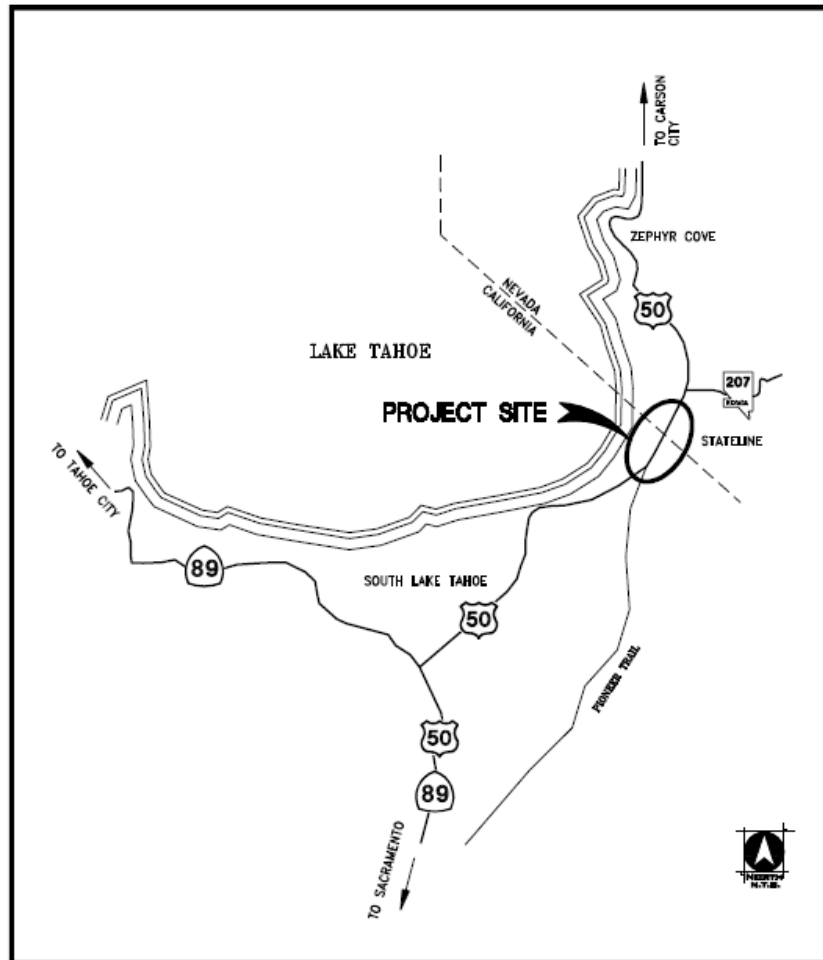


FIGURE 1: REGIONAL PROJECT LOCATION

Figure 1: *Regional Project Location*



## B. SPECIFIC PROJECT LOCATION

The project area includes the US 50 corridor and vicinity between an area southwest of the Pioneer Trail/US 50 Intersection in the City of South Lake Tahoe, California and SR 207 in Douglas County, Nevada, as well as the land generally bounded by Lake Parkway East, Montreal Road, and Echo Road on the southeast side, or “mountain side”, of the existing US 50. The biggest concentration of residential parcels is located in Pioneer Trail, Echo Road, Primrose Road and Fern Road. See **Figure 2** for details.

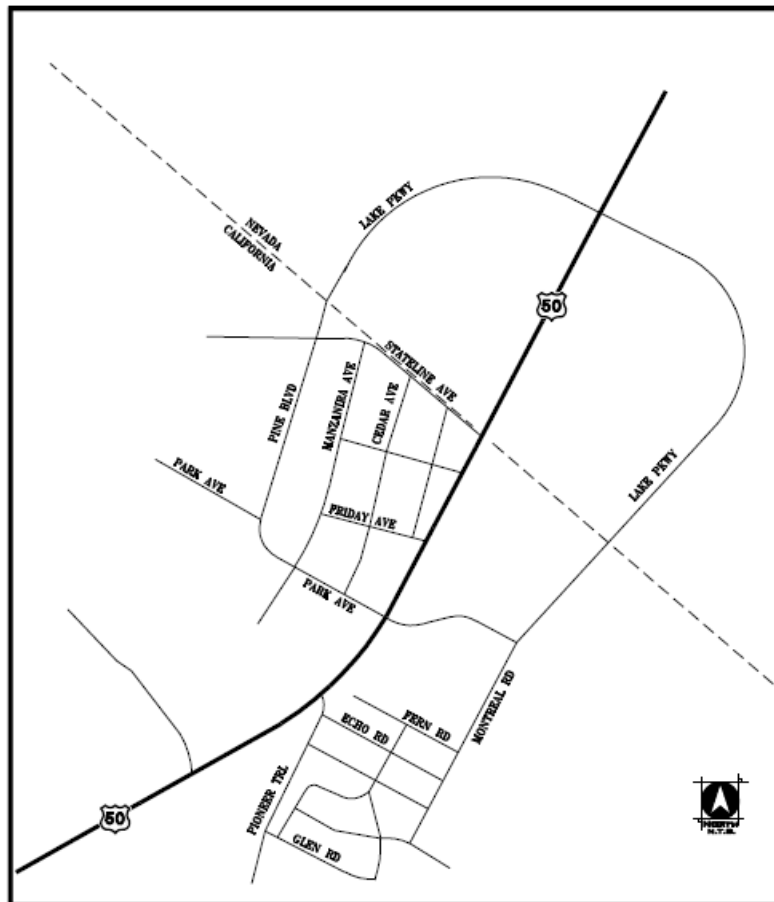


FIGURE 2: SPECIFIC PROJECT SITE

Figure 2: *Specific Project Site*

### C. GENERAL DEMOGRAPHIC AND HOUSING CHARACTERISTICS

According to the 2010 U. S. Census, the population of the City of South Lake Tahoe is 21,403 (see **Table 1**). Corresponding Census data concerning the housing mix is shown in **Table 2**.

| <b>TABLE 1: Project Population – City of South Lake Tahoe</b> |             |          |
|---|-------------|----------|
| <b>Population</b>   | <b>City</b> | <b>%</b> |
| Total Population  | 21,403      | 100.0%   |
| White   | 15,731      | 73.5%    |
| Black or African American                                     | 193         | 0.9%     |
| American Indian and Alaska Native                             | 235         | 1.1%     |
| Asian   | 1,177       | 5.5%     |
| Pacific Islander  | 43          | 0.2%     |
| Two or More Races   | 792         | 3.7%     |
| Hispanic or Latino (of Any Race)                              | 6,656       | 31.1%    |
| White Persons not Hispanic                                    | 12,820      | 59.9%    |

| <b>TABLE 2: Project Housing Units – City of South Lake Tahoe</b> |             |          |
|--|-------------|----------|
| <b>Type</b>  | <b>City</b> | <b>%</b> |
| Total Units  | 15,087      |          |
| Vacant Housing Units   | 6,169       |          |
| Occupied Housing Units   | 8,918       | 100%     |
| Owner-Occupied   | 3,473       | 38.9%    |
| Tenant-Occupied  | 5,445       | 61.1%    |

## **II. ASSESSMENT OF RELOCATION NEEDS**

### **A. SURVEY METHODOLOGY**

To obtain information necessary for the preparation of this Plan, personal interviews were conducted among Project residents during the months of November and December 2011. Interviewers were successful in obtaining survey responses from 95+ percent of the occupied residential households. Interviews were conducted on-site, in English or Spanish, as appropriate.

Inquiries made of residential occupants concerned household size and composition, income, monthly rent obligation, length and type of occupancy, ethnicity, home language, disabilities/health problems, and replacement housing preferences. Sample survey form is presented in **Exhibit A**.

The descriptive data in this Plan concerning residents are based solely on anecdotal responses. No attempt was made at this stage to qualify information obtained from residents.

### **B. SURVEY DATA**

The Project area includes 88 total dwellings of which 5 are owner-occupied dwellings and 83 are tenant-occupied dwelling units that may qualify for relocation benefits. The owner-occupied units range from zero-to three-bedroom, and the tenant-occupied units from zero-to four-bedroom dwellings. Survey information was obtained from 84 of the combined 88 tenant- and owner-occupied households. Four households remain non-contacted despite several attempts to reach them. The data obtained from respondent households or from property owners or site managers sources are presented in this section.

#### ***1. Description of Dwelling Units***

The Project area includes 25 land parcels improved with multi-family and single-family structures. Of the respondent households, 19 reside in studio/loft type dwellings, 30 reside in one-bedroom units, 30 reside in

two-bedroom units, 4 reside in three-bedroom units and 1 in a four-bedroom single family residence. The information is included in **Table 3** below.

Generally throughout the Project area, units were observed to be in fair to good condition.

| <b>TABLE 3: Project Area Housing – Dwelling Bedroom Sizes</b> |                               |            |            |              |             |
|---|-------------------------------|------------|------------|--------------|-------------|
| <b># of Bedrooms</b>  | <b>Zero<br/>(studio/loft)</b> | <b>One</b> | <b>Two</b> | <b>Three</b> | <b>Four</b> |
| <b># of Units</b>   | 19                            | 30         | 30         | 4            | 1           |

## **2. Project Area Rents**

There are 83 tenant households to be affected by the Project. Their rent monthly payments range from \$350.00 to \$1,475.00. Four households remain non-responsive and their rent payment is unknown.

## **3. Occupancy/Overcrowding**

The Project respondent population totals 245 individuals. The average household size is 3 persons per dwelling unit.

| <b>TABLE 4: Current Household Size Occupancies (84 respondents)</b> |            |            |              |             |             |            |              |              |
|---|------------|------------|--------------|-------------|-------------|------------|--------------|--------------|
| <b># in Household</b>   | <b>One</b> | <b>Two</b> | <b>Three</b> | <b>Four</b> | <b>Five</b> | <b>Six</b> | <b>Seven</b> | <b>Eight</b> |
| <b># Households</b>   | 16         | 25         | 17           | 12          | 8           | 3          | 2            | 1            |

For the purposes of this plan, TT has applied an occupancy standard which states that a maximum of two persons may occupy a zero-bedroom unit such as a studio apartment. For units larger than zero-bedroom units, two persons per bedroom shall be used as a guideline in determining the number of bedrooms required for replacement housing. More than two persons may occupy a bedroom provided the room is adequate in size to accommodate normal bedroom furnishings for the room occupants (e.g., three toddlers in a larger bedroom, an infant in the bedroom with the parents). If applicable housing and occupancy codes for the area of the comparable replacement require a greater number of bedrooms for the household than indicated by the above guidelines, the greater number of bedrooms according to code should be used in the replacement housing valuation. Based on the latter criterion as compared to available Project tenant data, there appear to be 11 overcrowded units among the

respondents. Replacement housing referrals to all occupants will reflect the need for accommodations in a decent safe and sanitary unit, regardless of the size of the unit they currently occupy.

#### **4. Replacement Housing Needs**

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by number of bedrooms. The projected number of required units by number of bedrooms is figured by comparing survey data relative to residents' household size with the previously mentioned replacement housing occupancy standards. These standards, generally, allow for two persons in a bedroom and one in a living or non-sleeping room.

The Project's replacement housing requirements are to provide comparable units to replace the tenants' displaced dwelling and correct overcrowding conditions, if applicable. The owner-occupied households will be referred to adequately sized units based on the Uniform Housing Code occupancy standard, yet providing not less bedrooms than their displacement unit. Referrals to comparable housing will be provided and attempts will be made to take into consideration individual preferences.

The Project's replacement housing requirements are summarized in **Table 5**.

| <b>TABLE 5: Replacement Housing Needs (84 respondents)</b> |             |            |            |              |             |
|--|-------------|------------|------------|--------------|-------------|
| <b>Bedroom Size</b>  | <b>Zero</b> | <b>One</b> | <b>Two</b> | <b>Three</b> | <b>Four</b> |
| <b># Needed-Tenants</b>                                    | 17          | 30         | 28         | 3            | 1           |
| <b># Needed-Owners</b>                                     | 2           | 0          | 2          | 1            | 0           |

#### **5. Income**

During the process of interviewing each household for this Plan, an attempt was made to obtain as much voluntary information as possible regarding the household's income. In most of the cases the answers were vague or the interviewees preferred not to disclose the information. Multiple households reported to work less than forty hours per week and earn minimum wage. Income information was provided by 10 respondent

tenant households or 11.9%. According to income standards published by the United States Department of Housing and Urban Development (HUD) for El Dorado County (**Exhibit B**) and adjusted for family size, nine Project households qualify as extremely-low income (31%-50% of area median income), and one as low income (51%-80% of area median income).

**TABLE 6: Income Levels of Tenant Households (10 respondents)**

| <b>Extremely Low</b> | <b>Low</b> |
|----------------------|------------|
| 9                    | 1          |

## **6. Ethnicity/Language**

Ethnicity among respondent Project households is White, Hispanic, and Asian with all households speaking some degree of the English language. Sixteen households identified Tagalog (Philippines) as the primary language spoken at home. Thirteen households reported to speak Tagalog and English. Twenty six households identified Spanish as their primary language. Four households said to speak Spanish and English at home. Twenty three households identified English as the language spoken at home. One household identified Visayan (Philippines) as the home's primary language and one household identified Ilocano (Philippines) as the primary language spoken at home.

## **7. Senior/Handicapped Households**

There are seven known households with senior members (62 years or older). Although no households reported physical disabilities, mobility related issues could affect relocation process and preferences. Single story units or handicap ramps may be needed for some households at the replacement housing units. Care will be taken to meet the special needs of each household, including finding replacement homes near relatives and medical facilities.

## **8. Preferred Relocation Areas**

Most of the Project residents surveyed expressed a preference to remain in or around the local community in order to maintain current access to schools, employment, medical facilities and transportation.

### III. RELOCATION RESOURCES

#### A. METHODOLOGY

An extensive resource survey was conducted over a span of three weeks between December 2011 and January 2012 to determine the availability of replacement housing units in the South Lake Tahoe utilizing the following sources:

- Rental property management agencies from the South Lake Tahoe area
- Internet sources

#### B. REPLACEMENT HOUSING AVAILABILITY

##### 1. *Residential For-Sale Housing*

Replacement housing survey data concerning available single-family dwellings in the area of South Lake Tahoe and surrounding communities are summarized in **Table 7**. The survey identified a total of 43 available zero, one, two and three-bedroom units for sale. It should be noted that replacement housing identified in this table is only relative the units required for those units that were identified to be owner occupied.

| <b>TABLE 7: Availability and Cost of For-Sale Housing</b> |                 |             |              |
|---|-----------------|-------------|--------------|
| <b>Bedroom Size</b>                                       | <b>Zero/One</b> | <b>Two</b>  | <b>Three</b> |
| <b># Found (#Needed)</b>                                  | 10 (2)          | 22 (2)      | 11 (1)       |
| <b>Asking Price Range<br/>(in thousands)</b>              | \$103-\$240     | \$115-\$325 | \$130-\$259  |
| <b>Median Price</b>                                       | \$142           | \$180       | \$200        |

The individual figures for number of units found by bedroom size are presented in the table alongside the number of units needed (shown in

parentheses) to meet re-housing obligations. Survey data suggest a sufficiency of replacement housing resources relative to the number of potential displacees within the Project area.

The information on housing in the area is included as a general representation of available units currently on the market. No household will be required to move unless the comparable unit is located and is available on the market. As with any resource survey, results reflect conditions at a given point in time. The sites included herein may or may not be available at the time of displacement. Resource results are an indication and not a prediction of future market circumstances. However, based on the existing housing market both locally and nationally, it can be assumed that the availability of this housing stock will remain at or near this level for the next few years.

TTD will be responsible to assist each household in relocating into **comparable replacement housing**, which for the purposes of this Plan is determined to be housing that is in an area that is not generally less desirable than the current dwelling with regard to utilities, commercial facilities, schools and public services and is reasonably accessible to the displaced person's current place of employment, is comparable in size and structure to the existing homes and which accommodates the size of the household being displaced. All replacement housing must meet **decent, safe and sanitary requirements**. In order to meet decent, safe and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound; weather tight and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household. Separate, well-lighted and ventilated bathrooms that provide privacy to users and contains a sink, bathtub/shower, and a toilet, all in good working order connected to appropriate sources of water and sewage systems.



- There shall be a kitchen area that contains a fully usable sink, connected to potable hot and cold water and to sewage drainage System, and adequate space and utility service connections for a stove and refrigerator.
- Contain unobstructed egress to safe, open space at ground level, unless local fire and building codes require additional methods of ingress/egress such as access to a common corridor.
- For a person who is mobility impaired, be free of any barriers, which would preclude reasonable ingress, egress, or use of the dwelling by such person.

## **2. Residential Rental Housing**

Seventy nine households are currently renting their units. The resource survey identified 18 available studios, 37 one-bedroom, 57 two-bedroom 21 three-bedroom and 4 four- bedroom replacement dwellings available for rent. The survey data is summarized in **Table 8**.

| <b>TABLE 8: Availability and Cost of Rental Housing</b> |                 |                 |                  |                  |                   |
|---|-----------------|-----------------|------------------|------------------|-------------------|
| <b>Bedroom Size</b>                                     | <b>Studio</b>   | <b>One</b>      | <b>Two</b>       | <b>Three</b>     | <b>Four</b>       |
| <b># Found (#Needed)</b>                                | 18 (17)         | 37 (30)         | 57 (28)          | 21 (3)           | 4 (1)             |
| <b>Monthly Rent Range</b>                               | \$468-<br>\$750 | \$514-<br>\$975 | \$699-<br>\$1200 | \$870-<br>\$2200 | \$1106-<br>\$2000 |
| <b>Median Market Rent</b>                               | \$530           | \$614           | \$841            | \$1444           | \$1460            |

## **C. RELATED ISSUES**

### **1. Concurrent Residential Displacement**

TTD has no concurrent projects nor is there any planned for the foreseeable future that could negatively impact the availability of needed housing resources. With the available units identified for this Plan both tenants and owners will find ample alternate housing resources. Under no circumstances will any displacees be required to move without available replacement housing units.

## ***2. Temporary Housing***

No need for temporary housing is anticipated. Should such a need arise, TTD will respond appropriately and in conformance with all applicable laws and requirements.

## **IV. THE RELOCATION PROGRAM**

TTD will provide displacees the assistance, rights and benefits required under Federal relocation law and the relocation guidelines. The relocation program will provide both advisory and financial assistance. Every effort will be made to facilitate relocation arrangements and minimize hardships for displacees.

### **A. ADVISORY ASSISTANCE**

Advisory assistance services are intended to inform displacees about TTD's relocation program, help in the process of finding appropriate replacement accommodations, facilitate claims processing, maintain a communication link with TTD and coordinate the involvement of outside service providers.

To follow through on the advisory assistance component of the relocation program and assure that TTD meets its obligations under the law, relocation staff will perform the following functions:

- Distribute written information concerning the TTD's relocation program to each residential and commercial displacee (See **Exhibit C**);
- Personally inform all displacees of the nature of and procedures for obtaining available relocation assistance and benefits;
- Determine the eligibility, needs and relocation preferences of each residential and commercial displacee;
- Provide residential displacees with at least three referrals to comparable, decent, safe and sanitary replacement housing within a reasonable time prior to displacement;
- Maintain a database of available housing resources and commercial space and distribute replacement site referrals for the duration of the Project;
- Provide transportation to displacees, if requested, to inspect replacement sites within the local area. Offer special assistance to help elderly residents find housing near friends, relatives, medical facilities and services and convenient transportation;

- Make referrals to governmental and non-governmental service providers such as:
  - (a) Federal Social Security Administration
  - (b) Neighborhood Housing Services
  - (c) Housing Commission
  - (d) Home Loan Counseling Service
  - (e) Department of Social Services
- Assist each eligible displacee with the preparation and submission of relocation assistance claims;
- Assist residential displacees with arrangements necessary to rent or purchase comparable decent, safe and sanitary replacement housing;
- Make benefit determinations and payments in accordance with applicable law and TTD policy;
- Assure that no displacee is required to move without a minimum of 90 days written notice to vacate;
- Inform all persons subject to displacement of TTD's policies with regard to eviction and property management;
- Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the TTD's decisions with respect to relocation assistance; and
- Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

## **B. RELOCATION BENEFITS**

Relocation benefits will be provided in accordance with the applicable provisions of the Federal relocation law and guidelines. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation regarding the rental or purchase of decent, safe and sanitary replacement housing.

Eligibility requirements and calculations will be detailed on an individual basis with all displacee households. In the course of personal interviews and follow-up visits, each displacee household will receive counseling regarding available benefit options and the requirements to claim compensation for moving payments and replacement housing assistance.

TTD staff will promptly evaluate advance payment requests meant to alleviate hardships for tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests for advance payments will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

### ***1. Residential Moving Expense Payments***

All residential displacees will be eligible to receive a payment for moving expenses. Moving expense payments will be based either on the actual cost of a professional move or a fixed payment amount determined by room count.

- **Actual Cost (Professional Move)**

Displacees may elect to retain the service of a professional mover. The cost of professional moving services will be based on the lower of at least two acceptable bids obtained from licensed, professional movers. TTD may also obtain bids, at its own discretion, in order to determine the most qualified low-bidder for the move. TTD will make direct payment to the selected mover, if requested, or provide reimbursement upon presentation of appropriate documentation substantiating the move.

Compensable moving elements include packing, transportation, unpacking and insurance. Transportation costs beyond 50 miles are not eligible, unless TTD determines that relocation beyond 50 miles is justified. In addition to payment for the actual move, one-time re-connection fees related to gas, water, electricity, telephone, internet and television service, are eligible for reimbursement. Deposits required by utility and other residential service providers are not eligible for reimbursement.

- **Fixed Payment (Room Count Schedule Method)**

As an alternative to a professional move, a residential displacee may elect to receive a fixed payment for moving expenses based on the number of furnished or unfurnished rooms in the displacement dwelling.

| <b>TABLE 9: Schedule of Fixed Moving Payments</b> |       |                 |         |         |         |         |         |         |                 |
|---|-------|-----------------|---------|---------|---------|---------|---------|---------|-----------------|
| <b>Unfurnished Dwelling</b>                       |       |                 |         |         |         |         |         |         |                 |
| Room Count  | 1     | 2               | 3       | 4       | 5       | 6       | 7       | 8       | Each Additional |
| Amount  | \$625 | \$800           | \$1,000 | \$1,175 | \$1,425 | \$1,650 | \$1,900 | \$2,150 | \$225           |
| <b>Furnished Dwelling</b>                         |       |                 |         |         |         |         |         |         |                 |
| Room Count  | 1     | Each Additional |         |         |         |         |         |         |                 |
| Amount  | \$400 | \$65            |         |         |         |         |         |         |                 |

Residential displacees who elect to receive a fixed payment assume full responsibility for the move including the expense of utility re-connections described in above. The current schedule for fixed moving payments is set forth in **Table 9**.

## ***2. Rental Assistance to Tenants/Owner-Occupants Who Choose to Rent***

A tenant or owner-occupant displaced from a dwelling may be entitled to a Replacement Housing Payment in the form of rental or down payment assistance not-to-exceed \$5,250 (prior to consideration of eligibility for Last Resort Housing benefits - see Last Resort Housing this Section, Paragraph 6), if the displacee:

- Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
- Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless TTD extends this period for good cause) after:

- (i) For a tenant, the date he or she moves from the displacement dwelling; or
- (ii) For an owner-occupant, the later of:
  - The date final payment is received for the displacement dwelling, or in the case of condemnation, the date the full amount of estimated just compensation is deposited with the court; or
  - The date the displacee moves from the displacement dwelling.

Rental/Downpayment Assistance payment amounts are equal to 42 times the difference between the base monthly rental and the lesser of:

- (i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
- (ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person; or
- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.
- (iv)

The base monthly rental for the displacement dwelling is the lesser of:

- (i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by TTD. For owner-occupants or households which paid little or no rent, fair market rent will be used as a substitute for actual rent; or,
- (ii) Thirty percent (30%) of the displacee's average gross household income. If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling.

**Table 10**, following, provides an example of a typical rental assistance eligibility computation.

| <b>TABLE 10: Computation of Rental Assistance Payments</b> |                |  |
|--|----------------|--|
| 1. Old Rent  | \$600          | Old Rent (plus Utility Allowance)                  |
| <b>- or -</b>  |                |  |
| 2. Ability to Pay  | \$550          | 30% of Monthly Gross Household Income*             |
| 3. Lesser of lines 1 and 2                                 | \$550          |  |
| <b>Subtracted from the lesser of:</b>                      |                |  |
| 4. Actual New Rent   | \$650          | Actual New Rent (plus Utility Allowance)           |
| <b>- or -</b>  |                |  |
| 5. Comparable Rent   | \$675          | Set by TTD (plus Utility Allowance)                |
| 6. Lesser of lines 4 and 5                                 | <b>\$650</b>   |  |
| 7. Monthly Need Amount                                     | \$100          | <b>Subtract line 3 from line 6</b>                 |
| <b>Rental Assistance</b>                                   | <b>\$4,200</b> | <b>Multiply line 7 (Monthly Need) by 42 months</b> |

\*Monthly gross income is based on all income from all persons over 18 years old for the 12-month period preceding the date of determination of income. Do not include the income of a full-time student over the age of 18 UNLESS that person is the head of the household or the person's spouse. Gross household income means the total annual income of an individual

### ***3. Downpayment Assistance to Tenants Who Choose to Purchase***

Residential displacees eligible to receive a rental assistance payment, may choose to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a replacement dwelling, provided that the entire eligibility amount is used toward the downpayment and eligible incidental closing costs. In the case of Downpayment Assistance claims, TTD will arrange for the deposit of the total rental assistance eligibility amount in an open escrow account. Provisions will be included in the escrow instructions to assure the prompt return of all TTD-provided funds in the event escrow is cancelled by either party or should fail to close within a reasonable period of time.



#### ***4. Replacement Housing Payment to 180 Day Residential Owner-Occupants***

Residential owner-occupants who have established residency for at least 180 days prior to TTD's offer to purchase may be eligible for a replacement housing payment determined by the aggregate value of three separate compensation elements: a) Purchase Price Differential; b) Mortgage Interest Differential; and, c) Incidental Expenses.

- Purchase Price Differential

The Purchase Price Differential is based on three factors:

Acquisition Price - The final price paid by TTD for the Project dwelling;

Actual Replacement Housing Purchase Price - The actual price paid for a replacement dwelling; and,

Comparable Replacement Cost - The cost of a decent, safe and sanitary dwelling comparable to the dwelling acquired by TTD.

The purchase price differential amount is determined by comparing the final acquisition price of the Project residence to the lesser of the actual price paid for a replacement home or the price of a comparable available decent, safe and sanitary dwelling. If the purchase price of a replacement home is less than the cost of a comparable replacement home, the payment will be limited to the actual difference. If the purchase price exceeds the cost of a comparable replacement home, the payment will be based on the cost of the comparable replacement home.

Replacement housing referrals to owner-occupants will match, as closely as possible, current housing circumstances. The calculation of purchase price differential payments to owner-occupants of multifamily properties will be determined by comparing the pro-rated value of the portion of the property in which they live as compared to the comparable element of a replacement property.

- Mortgage Interest Differential

The Mortgage Interest Differential Payment is intended to compensate homeowners for any increase in interest costs between the acquired dwelling and the replacement dwelling. Computation of the payment is based upon three factors: 1) the remaining term and amount(s) of the current mortgage or mortgages 2) the current type of mortgage product (i.e. fixed vs. variable) 3) a comparison of the mortgage interest rate for the acquired dwelling relative to the lesser of the current market rate or the actual new rate for a similar mortgage product. To be eligible for this payment, the mortgage on the dwelling being acquired must have been in place, as a valid lien, for at least 180 days prior to the TTD's initial written offer to purchase.

- Incidental Expenses - Closing Costs

One-time, non-recurring closing costs associated with the purchase of a comparable, replacement dwelling are compensable. Examples of such compensable expenses include costs for: a property survey; preparation of a legal description and deed; recording fees; title insurance; revenue stamps and transfer taxes; loan application fees; loan origination fees; appraisal fees; a credit report; certification for structural soundness; and, termite inspection, when required. Prepaid recurring expenses for mortgage interest, property taxes and insurance are not compensable.

## ***5. Payments to Non-Tenured Residential Tenants***

Non low-income residential tenants with less than 90 days of continuous occupancy prior to the TTD's acquisition of the property, will only be eligible to receive a moving expense payment in accordance with Section 1b above.

## ***6. Last Resort Housing***

TTD anticipates that it will be necessary to make rental assistance payments in excess of the statutory cap of \$5,250 and replacement housing payments to owner-occupants in excess of the statutory cap of \$22,500 to assure the availability of comparable replacement rental and for-sale housing. Rental assistance payments to low-income non 90-day tenants and rental assistance and replacement housing payment amounts

in excess of the statutory caps are considered to be Last Resort Housing (LRH) payments.

TTD, at its discretion, may opt to pay LRH rental assistance payments on a periodic basis. Recipients of LRH rental assistance who intend to purchase rather than re-rent replacement housing have the right to request a lump sum payment of all benefits for the purpose of making a downpayment and paying standard, non-recurring closing costs. Households receiving periodic payments may elect, at any time, to request a lump sum payment of all remaining benefits to assist with the purchase of a decent, safe and sanitary dwelling.

## **7. Business**

In addition to the residential parcels affected by the proposed project, thirteen (13) businesses could be affected in varying degrees, from Partial “Sliver Acquisitions” along property lines, to full acquisition of entire properties. Of the thirteen (13), seven (7) could require more than Relocation Advisory Assistance, with the remaining six (6) possibly requiring some degree of discussion with a relocation assistance specialist.

The seven (7) commercial retail properties potentially necessitating full acquisitions will result in the need for a full range of various types of assistance from the Business Relocation Assistance Program. Every effort will be made to comply with the sponsoring agency’s desire to relocate all business displacees to areas within the South Lake Tahoe City Limits. As with the Residential Relocation Assistance contained in this Relocation Plan, the Relocation Assistance Agent will employ all additional aid required to assist impacted businesses with their relocation needs including assistance in planning the logistics and executing the move of personal property and non-realty business property. Unlike relocation of households from an existing single-family residence to another already constructed one selected from several available choices in this area, business relocations may require acquisition of un-improved sites and building of new improvements to meet the needs of the business.

- The relocation agent will work closely with businesses to have claims filed promptly and with the requisite supporting documentation. The complexity of the moves and the need for specialists will add to the expense of an

already costly assignment. Prompt claim processing and payment will reduce delays and minimize financial hardships to the business owners. Payments should be made directly to movers and other outside firms whenever possible to alleviate the additional financial burden of relocations to the businesses.

- The complexity of the actual moves and the need for specialists and the involvement of specialized firms for planning and performing the moves. Actual moving costs will be calculated according to inventories and the efforts of removing, packing, loading, transporting, unloading, unpacking and reinstalling personal property. To the extent feasible, two bids will be obtained for each move.
- Inventories for move cost estimates may require specialized firms
- Specialized contractors for disconnecting and dismantling, packing, unpacking handling, and transportation.
- Inspections may be required, along with permits and/or licenses, at the replacement properties. The City's Planning Department and TRPA can assist with meeting the project timeline if these items could be expedited. This is another measure that can be taken to reduce downtime for the businesses as well as downtime during moves.
- Additional downtime can be avoided or reduced with extra effort in planning the moves and prioritizing needed inspections and issuance of permits and licenses.
- Displacees may be reimbursed for the expense of making physical changes at the replacement location. The changes must be necessary to accommodate increased size or business needs. The relocation agent will work with tenants to properly document the changes required to make replacement sites suitable including obtaining descriptions, drawings and other details.
- Liberty Energy Customer Service will be contacted by the business owners regarding electric service and needs for 3-phase power. Liberty Energy will need details about existing accounts, current usage and the location of the replacement site to determine what measures to implement to provide the required service. Applications for service at the new addresses will be made directly to Liberty Energy. The cost of matching utilities with machinery and equipment is reimbursable to the business owner. Except in unusual circumstances, actual payment shall be limited to the least expensive alternative; that is, the cost to adapt the machinery

and equipment to available utilities or to provide compatible utilities to the existing machinery and equipment.

- There may not be any need for storage to facilitate moves for any displacees. However, if it becomes necessary to store any equipment and/or material in the course of relocating, prior authorization will be obtained from TTD. Displacees are entitled to reimbursement for the cost to move personally into and out of storage if storage is necessary. Storage of personal property for up to one-year during the move may be reimbursed.
- Businesses will be given a Notification of Right to Claim Loss of Business Goodwill if it is determined the value of a relocated businesses could be adversely affected by moves. There may be increased operating expenses related to higher rents, increased utility costs or greater expenses of longer distances to other suppliers, customers or outside services which could be offset by presenting claims for Loss of Business Goodwill. If the business owners wish to present claims, they would complete the forms with supporting documentation, stating the Loss of Business Goodwill, for TTD review and approval. Claim processing would include verification of the amount of the Loss of Business Goodwill claimed by an appraiser with business valuation expertise.
- Some displaced businesses may qualify for “In-Lieu” payments, which can range from \$1,000 to \$20,000, to cover all costs of relocating, leaving open the possibility of making claims for Loss of Business Goodwill. Goodwill amounts, if claimed, would be determined separately from the “In-Lieu” payment by a qualified appraiser so as to avoid duplication of payments and may be partially offset by “In-Lieu” payments.
- Reestablishment payments, up to \$10,000, may also be made to displaced businesses to cover expenses of certain repairs, redecoration or improvements to a replacement location, to advertise a new site, signage, increased costs at the new location and/or other items TTD may consider necessary for reestablishment of the business.

#### **D. GENERAL INFORMATION ON PAYMENT OF RELOCATION BENEFITS**

Claims and supporting documentation for relocation benefits must be filed with TTD within 18 months from:

- The date the claimant moves from the acquired property; or,

- The date, on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

- 1) Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;
- 2) Payment amounts will be determined in accordance with the provisions of the Federal relocation law and guidelines;
- 3) Required claim forms will be prepared by relocation personnel and reviewed with claimants. Signed claims and supporting documentation will be submitted by relocation personnel to TTD;
- 4) TTD will review all claims for payment and determine whether to approve, deny, or seek additional information;
- 5) TTD will issue benefit checks for distribution to claimants by relocation staff;
- 6) Final payments will be issued only after confirmation that the Project premises have been completely vacated and occupancy of the replacement unit is verified;
- 7) All correspondence, back-up documentation, claims, receipts of payment and notices will be maintained in the relocation case file.

## **V. ADMINISTRATIVE PROVISIONS**

### **A. RELOCATION TAX CONSEQUENCES**

In general, relocation payments are not considered income for the purpose of the Internal Revenue Code of 1968, or the Personal Income Tax Law, Part 10 of the Revenue and Taxation Code. The above statement on tax consequences is not intended to be provision of tax advice by TTD. Displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

### **B. APPEALS PROCEDURES**

TTD's Relocation Appeals Process is consistent with the Provisions of 49 CFR 24.10 (b). The right to appeal shall be described in all relocation explanatory material distributed to displacees.

As required under the Federal relocation guidelines, any aggrieved person may file a written appeal with TTD in any case in which the person believes that the Department has failed to properly consider the person's application for relocation assistance. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a relocation payment required under the Uniform Act.

Requests for administrative review and informal hearings will be directed to senior relocation staff of TTD. All requests for review will receive written responses from TTD within three weeks of their receipt. If an informal appeal is denied, appellants will be entitled to file a written request for a formal hearing before an impartial and independent hearing officer.

More detail concerning the appeals process will be provided upon request. Appellants will retain their appeal rights for up to 18 months following the date of displacement from the Project area premises or receipt of final payment for relocation benefits, whichever is later.

### **C. EVICTION POLICY**

Eviction for cause must conform to State and local law. Any person who occupies the real property and is not an unlawful occupant on the date of initiation of negotiations, is presumed to be entitled to relocation benefits, unless the displacing agency determines that:

- The person received an eviction notice prior to the initiation of negotiations and, as a result, was later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease; and
- The eviction was not undertaken for the purpose of evading relocation assistance regulations.

Except for the causes of eviction set forth above, no person lawfully occupying property to be purchased by the displacing agency will be required to move without having been provided with at least 90 days written notice from the displacing agency.

### **D. CITIZEN PARTICIPATION**

As the process for considering the Project moves forward, TTD will observe the following protocol:

- Provide affected displacees with full and timely access to documents relevant to the relocation program;
- Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
- Issuance of a general notice concerning the availability of the Plan for public review, as required, 30 days prior to its proposed adoption. Distribution of the Plan, upon request, to all affected and interested parties;



- The inclusion of written or oral comments concerning the Plan and TTD's response as an attachment to the Plan when it is forwarded to the TTD Board for adoption (as **Exhibit D**).

#### **E. PROJECTED DATES OF DISPLACEMENT**

TTD anticipates that the relocation process will begin in Spring 2014 and be completed no later than Fall 2015.

#### **F. ESTIMATED RELOCATION COSTS**

The total budget estimate for relocation-related payments (residential and business) for this Project is **\$1,160,300.00**

The estimated relocation budget does not include any payments related to property acquisition or improvements pertaining to realty. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

## EXHIBIT A: Residential Survey Form

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

### RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE

(Form #)

EXHIBIT

10-EX-5 (NEW 10/2002)

Page 1 of 6

#### PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Officer.

The following items should be considered when developing a questionnaire for persons who might be impacted by the proposed highway project.

Right of Way and Environmental should agree on the following:

1. Who will be contacted to complete the questionnaire?
2. Who will contact the persons?
3. Will the questionnaire be handed out in person at the public hearings, made available by calling a phone number, or mailed to all persons within the proposed right of way (primary or all alternatives)?
4. Should the questionnaire be completed at the draft or final stage?

The questionnaire should identify:

1. Why the information is needed.
2. Who must complete it.
3. Who should be contacted for questions.
4. When it is due back and where.

#### GENERAL INFORMATION TO BE OBTAINED FROM ALL PERSONS COMPLETING THE QUESTIONNAIRE

Project Information: \_\_\_\_\_

Purpose of Project: \_\_\_\_\_

Environmental Review Period: \_\_\_\_\_

Name of person (completing form): \_\_\_\_\_

Address: \_\_\_\_\_

City, State Zip Code: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_

Type of Unit:

Residential

Single Family Residence ☐

Multi-Residential ☐

Type \_\_\_\_\_

Mobile Home ☐

Vacant Land ☐ Business ☐

Farm ☐ Nonprofit Organization ☐

**RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE (Cont.)**

(Form #)

EXHIBIT

10-EX-5 (NEW 10/2002)

Page 2 of 6

**RESIDENTIAL:**

1. Are you a renter? ☐ or owner? ☐
2. If you are a renter, what is your monthly rent? \_\_\_\_\_
3. What utilities or other items are contained in current rent? \_\_\_\_\_
4. Number of persons who reside at the residential unit \_\_\_\_\_
5. Does anyone have special needs (e.g., elderly, handicapped, education)? If so, please identify the need: \_\_\_\_\_  
\_\_\_\_\_
6. What is the primary language spoken in your home? \_\_\_\_\_
7. What is the primary mode of transportation to:  
☐ Schools (Car ☐ Bus ☐ Walk ☐ Other ☐  
☐ Employment (Car ☐ Bus ☐ Walk ☐ Other ☐  
☐ Medical Facilities (Car ☐ Bus ☐ Walk ☐ Other ☐
8. What is the distance to household members' place of work?  
Head of household: ( \_\_\_\_\_ Miles) \_\_\_\_\_ Minutes  
Other members of household:  
\_\_\_\_\_ ( \_\_\_\_\_ Miles) \_\_\_\_\_ Minutes  
\_\_\_\_\_ ( \_\_\_\_\_ Miles) \_\_\_\_\_ Minutes  
\_\_\_\_\_ ( \_\_\_\_\_ Miles) \_\_\_\_\_ Minutes  
\_\_\_\_\_ ( \_\_\_\_\_ Miles) \_\_\_\_\_ Minutes
9. Check the major source of combined household income:  
Employment \_\_\_\_\_ Other pensions \_\_\_\_\_  
Self-employment \_\_\_\_\_ Public assistance \_\_\_\_\_  
Social Security \_\_\_\_\_ Other \_\_\_\_\_
10. What is the combined gross income for the household from all sources:  
(Establish appropriate ranges for low and high income based on the census information for the displacement area and replacement area)  
\_\_\_\_\_  
\_\_\_\_\_

**RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE (Cont.)**  
(Form #)

EXHIBIT  
10-EX-5 (NEW 10/2002)  
Page 3 of 6

**BUSINESS RELATED QUESTIONS:**

Local Executive Officer: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Position: \_\_\_\_\_

**1. Type of Establishment – some examples might be:**

- |                                    |       |                                  |       |
|------------------------------------|-------|----------------------------------|-------|
| a) Construction                    | _____ | f) Finance/insurance/real estate | _____ |
| b) Manufacturing                   | _____ | g) Services                      | _____ |
| c) Transportation/public utilities | _____ | h) Government/nonprofit          | _____ |
| d) Wholesale trade                 | _____ | i) Other                         | _____ |
| e) Retail trade                    | _____ | j) Produce                       | _____ |

**2. Operation Status**

|                             |                              |                             |                     |       |
|-----------------------------|------------------------------|-----------------------------|---------------------|-------|
| Occupancy:                  | Owner                        | _____                       | Tenant              | _____ |
| Franchise:                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Name                | _____ |
| Number of years in business | _____                        |                             | Term of lease       | _____ |
| Lease years remaining       | _____                        |                             | Monthly rental rate | _____ |
| Yearly gross revenues       | _____                        |                             | Monthly payroll     | _____ |

**3. Physical Features - some examples might be:**

- a) Facilities: \_\_\_\_\_ Sq. Footage \_\_\_\_\_
- Office..... \_\_\_\_\_
- Retail..... \_\_\_\_\_
- Warehouse..... \_\_\_\_\_
- Manufacturing..... \_\_\_\_\_
- Other..... \_\_\_\_\_
- TOTAL..... \_\_\_\_\_
- b) Business improvements (other than basic land and building:
- Machinery..... Yes ☐ No ☐
- Walls, partitions, etc. .... Yes ☐ No ☐
- Other (Specify) \_\_\_\_\_

**4. Company's annual average number of employees:** \_\_\_\_\_

- 5. Does your firm employ any handicapped persons?** Yes ☐ No ☐
- Type of handicap \_\_\_\_\_
- Special provisions \_\_\_\_\_

**6. Marketing Area**

- A) Direct to public only (on-site) Yes ☐ No ☐
- B) Local, within city only Yes ☐ No ☐
- C) Other locales \_\_\_\_\_

**RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE (Cont.)**

(Form #)

EXHIBIT

10-EX-5 (NEW 10/2002)

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**7. Relocation Preferences**

- A) Must be in immediate area? Yes ☐ No ☐ Reason: \_\_\_\_\_
- B) Within the city/county? Yes ☐ No ☐ Reason: \_\_\_\_\_
- C) Other specific locations \_\_\_\_\_
- D) Would company consider:
- |                                      |                              |                             |       |
|--------------------------------------|------------------------------|-----------------------------|-------|
| 1. Building a new building?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |       |
| 2. Relocating to an industrial park? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |       |
| 3. Expanding at new location?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |       |
| 4. Other? (Specify)                  |                              |                             | _____ |
- E) New facility should include:
- |                    |                              |                             |             |
|--------------------|------------------------------|-----------------------------|-------------|
| 1. Office          | Yes <input type="checkbox"/> | No <input type="checkbox"/> | _____ sq ft |
| 2. Retail          | Yes <input type="checkbox"/> | No <input type="checkbox"/> | _____ sq ft |
| 3. Warehouse       | Yes <input type="checkbox"/> | No <input type="checkbox"/> | _____ sq ft |
| 4. Manufacturing   | Yes <input type="checkbox"/> | No <input type="checkbox"/> | _____ sq ft |
| 5. Other (Specify) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | _____ sq ft |
- \_\_\_\_\_

**RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE (Cont.)**

(Form #)

EXHIBIT

10-EX-5 (NEW 10/2002)

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EXAMPLES of additional questions to obtain specific information needed for the RID, CIA, or EID reports:

1. How long have you lived in this area? \_\_\_\_\_
2. What type of home do you live in?

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| Single family residence _____     | Condominium _____                 |
| Duplex _____                      | 2-4 unit apartment _____          |
| 5 or more unit apartment _____    | Subsidized housing (Sec. 8) _____ |
| Hotel/motel _____                 | Rooming house _____               |
| Mobile home _____                 | Other _____                       |
| Senior complex _____              | Trailer _____                     |
| Farm house on large acreage _____ |                                   |
3. How many bedrooms are in your unit? \_\_\_\_\_ How many rooms are in your unit? \_\_\_\_\_
4. IF YOU RENT:  
How much is your monthly rent? \_\_\_\_\_  
Are gas and electricity included in your rent? \_\_\_\_\_  
Is water included in your rent? \_\_\_\_\_  
Does the landlord own the furniture? \_\_\_\_\_  
Do you receive a rent subsidy? \_\_\_\_\_
5. IF YOU OWN:  
How much is your monthly mortgage payment? \_\_\_\_\_  
What is the approximate mortgage balance? \_\_\_\_\_  
What portion of the mortgage is paid? (Check one)  
a) Less than 1/4 ☐    b) 1/4 ☐    c) 1/2 ☐    d) 3/4 ☐    e) All paid ☐  
What is the interest rate on your mortgage? \_\_\_\_\_
6. If you choose to stay in this neighborhood, is it because: (Indicate preference 1, 2, 3, etc. – number 1 being the most important)

|          |                                     |
|----------|-------------------------------------|
| a) _____ | High cost of housing elsewhere      |
| b) _____ | My job is nearby                    |
| c) _____ | Convenient to shopping              |
| d) _____ | Close to schools                    |
| e) _____ | I like the house                    |
| f) _____ | I like the neighborhood             |
| g) _____ | My friends and relatives are nearby |
| h) _____ | Close to church                     |
| i) _____ | Public transportation available     |
| j) _____ | Only place available                |
| k) _____ | Other _____                         |
7. If you were to move from this address, would you prefer to:                      a) Buy ☐                      b) Rent ☐

**RELOCATION IMPACT DOCUMENT - QUESTIONNAIRE (Cont.)**

(Form #)

EXHIBIT

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8. Would you prefer to move from this address into a: (Please check one)

- |                |       |                  |       |
|----------------|-------|------------------|-------|
| a) House       | _____ | e) Rooming house | _____ |
| b) Duplex      | _____ | f) Mobile home   | _____ |
| c) Apartment   | _____ | g) Other         | _____ |
| d) Condominium | _____ |                  |       |

9. If you were to move, what area would you prefer? Briefly state the reason for your choice (e.g., commute distance, schools, medical facilities, neighborhood, closeness to family).

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## **EXHIBIT B: Income Limits – El Dorado County**

The following figures are approved by the U. S. Department of Housing and Urban Development (H.U.D.) for use in El Dorado County to define and determine housing eligibility by income level.

| <b>Area Median: \$75,100</b> |                      |                 |            |               |                 |
|------------------------------|----------------------|-----------------|------------|---------------|-----------------|
| <b>Family Size</b>           | <b>Extremely Low</b> | <b>Very Low</b> | <b>Low</b> | <b>Median</b> | <b>Moderate</b> |
| <b>1 Person</b>              | 15,800               | 26,300          | 42,100     | 52,550        | 63,050          |
| <b>2 Person</b>              | 18,050               | 30,050          | 48,100     | 60,100        | 72,100          |
| <b>3 Person</b>              | 20,300               | 33,800          | 54,100     | 67,600        | 81,100          |
| <b>4 Person</b>              | 22,550               | 37,550          | 60,100     | 75,100        | 90,100          |
| <b>5 Person</b>              | 24,400               | 40,600          | 64,950     | 81,100        | 97,300          |
| <b>6 Person</b>              | 26,200               | 43,600          | 69,750     | 87,100        | 104,500         |
| <b>7 Person</b>              | 28,000               | 46,600          | 74,550     | 93,100        | 111,700         |
| <b>8 Person</b>              | 29,800               | 49,600          | 79,350     | 99,150        | 118,950         |

Figures are per the Department of Housing and Community Development, California.  
**June, 2011.**



## **EXHIBIT C: Informational Brochure**

### **Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program**

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#### **TAHOE TRANSPORTATION DISTRICT**



#### **US 50/SOUTH SHORE COMMUNITY REVITALIZATION PROJECT**



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## Introduction

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Government programs designed to benefit the public as a whole often result in acquisition of private property, and sometimes in the displacement of people from their residences, businesses, nonprofit organizations, or farms.

To provide uniform and equitable treatment for persons displaced, Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987. This law, called the Uniform Act, is the foundation for the information discussed in this brochure.

Acquisition and relocation policies and provisions for all Federal and federally assisted programs and projects are contained in the government-wide rule published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations (CFR), Title 49, Part 24. All Federal, State, local government agencies, and others receiving Federal financial assistance for public programs and projects that require the acquisition of real property must comply with the policies and provisions set forth in the Uniform Act and the regulation.

The acquisition itself does not need to be federally funded for the rules to apply. If Federal funds are used in any phase of the program or project, the rules of the Uniform Act apply. Section 1 of this brochure provides information about relocation assistance advisory service. Section 2 contains information important to you if you are being displaced from a residence. Section 3 contains information for displaced businesses, farms, and nonprofit organizations.

If you are required to move as a result of a Federal or federally assisted program or project, a relocation counselor will contact you. The counselor will answer your specific questions and provide additional information you may need. If you have a disability that prevents you from reading or understanding this brochure, you will be provided appropriate assistance. You should notify the sponsoring Agency if you have special requirements for assistance.

This brochure explains your rights as an owner of real property to be acquired for a federally funded program or project. The requirements for acquisition of property are explained in a brochure entitled Acquisition, Acquiring Real Property

for Federal and Federal-aid Programs and Projects. Acquisition and relocation information can be found on the Federal Highway Administration Office of Real Estate Services website [www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate).

## **IMPORTANT TERMS USED IN THIS BROCHURE**

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### **Agency**

Relocation assistance advisory services and payments are administered at the local level by an Agency responsible for the acquisition of real property and/or the displacement of people from property to be used for a federally funded program or project. The Agency may be a Federal agency, a State agency, a local agency, such as a county or a city, or a person carrying out a program or project with Federal financial assistance. The Agency may contract with a qualified individual or firm to administer the relocation program. However, the Agency remains responsible for the program.

### **Alien Not Lawfully Present**

The law provides that if a displaced person is an alien not lawfully present in the United States such person is not eligible for relocation payments or assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, unless ineligibility would result in exceptional and extremely unusual hardship to the alien's spouse, parent or child, and such spouse, parent or child is a citizen or an alien lawfully admitted for permanent residence.

### **Business**

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

### ***Displaced Person***

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property as a direct result of (1) the acquisition of the real property, in whole or in part, (2) a written notice from the Agency of its intent to acquire, (3) the initiation of negotiations for the purchase of the real property by the Agency, or (4) a written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of improvements, provided the displacement is permanent and the

property is needed for a Federal or federally assisted program or project.

### **Farm**

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

### **Nonprofit Organization**

A public or private entity that has established its nonprofit status under Federal or State law.

### **Program or Project**

An activity or series of activities undertaken by a Federal agency, or an activity undertaken by a State or local agency with Federal financial assistance in any phase of the activity.

### **Small Business**

A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired for a program or project, or is displaced by a program or project. A site occupied solely by an outdoor advertising sign(s) does not qualify for purposes of the reestablishment expense benefit.

## **SECTION 1 – RELOCATION ADVISORY SERVICES**

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A relocation counselor will contact you and offer relocation assistance service.

Any individual, family, business or farm displaced by a Federal or federally assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the Agency. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember, your relocation counselor is there to **help** and **advise** you, so please be sure to make full use of the counselor's services. Do not hesitate to ask questions and be sure you fully understand all your rights and benefits.

An individual with a disability will be provided the assistance needed to locate and move to a replacement dwelling or site. The individual should notify the Agency of any special requirements for assistance.

## **RESIDENTIAL ASSISTANCE**

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A relocation counselor from the Agency will contact and interview you to find out your needs. Relocation services and payments will be explained in accordance with your eligibility. During the initial interview your housing needs and desires will be determined as well as your need for assistance.

The counselor will offer assistance and provide a current listing of comparable properties. You will be provided a written determination of the amount of replacement housing payment for which you qualify. The counselor can supply information on other Federal and State programs in your area.

Transportation will be offered to inspect housing referrals. The Agency will provide counseling or help you get assistance from other sources as a means of minimizing hardships in adjusting to your new location.

You cannot be required to move unless at least one comparable decent, safe, and sanitary (DSS) replacement dwelling is made available to you.

Please let your counselor know if you locate a replacement dwelling so that it can be inspected to assure that it meets DSS standards.

## **BUSINESS, FARM, AND NONPROFIT ORGANIZATION ASSISTANCE**

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A relocation counselor from the Agency will contact and interview you to find out your needs and replacement site requirements and estimate the time needed to accomplish the move. Relocation services and payments will be explained in accordance with your eligibility. It is important to explain to the counselor any anticipated problems. During the initial interview the relocation counselor will ask many questions to determine your financial ability to accomplish the move, including lease terms and other obligations.

The counselor will help determine the need for outside specialists to plan, move, and reinstall personal property. The counselor will identify and resolve any issues regarding what is real estate and what is personal property to be relocated. The counselor will explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies. In addition, as needed, the relocation counselor will maintain listings of commercial properties and farms.

The goal is to achieve a successful relocation back into the community.

### **Social Services Provided By Other Agencies**

Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special problems, the counselor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need.



## SECTION 2 – INDIVIDUALS AND FAMILIES

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### MOVING COSTS

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If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related moving expenses. Displaced individuals and families may choose to be paid either on the basis of actual, reasonable moving costs and related expenses, **or** according to a fixed moving cost schedule. To assure your eligibility and prompt payment of moving expenses, you should contact the relocation counselor from the Agency before you move.

#### **Actual, Reasonable Moving Costs**

You may be paid for your actual, reasonable moving costs by a professional mover plus related expenses, **or** you may move yourself. Reimbursement will be limited to a 50-mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the Agency.

All expenses must be considered necessary and reasonable by the Agency and supported by paid receipts or other evidence of expenses incurred.

#### **Fixed Moving Cost Schedule**

You may choose to be paid on the basis of a fixed moving cost schedule established for your State of residence. The amount of the payment is based on the number of rooms in your dwelling. Your relocation counselor will be able to tell you the exact amount you will be eligible to receive if you select this option.

The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

If you are the owner of a displaced mobile home, you may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your relocation counselor.

## REPLACEMENT HOUSING

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There are three types of replacement housing payments: purchase supplement, rental assistance, and down payment. To understand replacement housing payments you first need to become familiar with the terms **Comparable; Financial Means; Decent, Safe, and Sanitary (DSS); and Last Resort Housing**.

### **Comparable**

A comparable replacement dwelling must be DSS and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should provide for the same utility and function as the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements.
- Currently available on the private market.

- Within your financial means.

### **Financial Means**

For a homeowner, if a purchase supplement is needed and provided, in addition to the acquisition price for your dwelling, then the replacement dwelling is considered to be within your financial means.

For a tenant, the monthly rent and estimated average monthly utility (electricity, gas, other heating and cooking fuels, water and sewer) cost for a comparable replacement dwelling is considered to be within financial means if, after receiving rental assistance, this amount does not exceed the base monthly rent (including average monthly utility cost) for the dwelling from which the tenant is displaced.

The Agency may need to calculate the base monthly rent using 30% of the displaced tenant's total monthly gross household income, if that income qualifies as low income in accordance with established low income amounts determined by the U.S. Department of Housing and Urban Development (HUD).

The Agency will also evaluate the amounts designated for shelter and utilities for a tenant that receives government assistance.

The rental assistance payment will be computed using the lesser of the three (rent and average monthly utility cost; 30% of the total monthly gross household income for a qualified low income tenant; or the total amount designated for shelter and utilities for a tenant receiving government assistance). To ensure the maximum benefit, it is important to provide the Agency appropriate evidence of total monthly household income when asked. There are some amounts that are not included as monthly household income, including income earned by dependents. The Agency will explain this procedure in greater detail.

### **Decent, Safe, and Sanitary**

The DSS standard means the replacement dwelling meets the minimum requirements established by Federal regulations and conforms to applicable local housing and occupancy codes. The dwelling shall:

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.

- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person.
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress or, in the case of a handicapped displaced person, use of the dwelling.

## **IMPORTANT NOTICE**

Please understand that the replacement dwelling inspection for decent, safe, and sanitary requirements is conducted by Agency personnel for the sole purpose of determining your eligibility for a relocation payment. Therefore, you must not interpret the Agency's approval of a dwelling to provide any assurance or guarantee that there are no deficiencies in the dwelling or in its fixtures and equipment that may be discovered at a later date. It is your responsibility to protect your best interest and investment in the purchase or rental of your replacement property and you must clearly understand that the Agency will assume no responsibility if structural, mechanical, legal, or other unforeseen problems are discovered after the inspection has been conducted.

## **Last Resort Housing**

The term Last Resort Housing is an administrative procedure authorized by law to address those times when comparable replacement housing is not available under statutory limits specified in law. The law and regulation allow the Agency to provide a replacement housing payment in excess of the statutory maximums of \$5,250 and \$22,500. Because this provision is commonly used, the statutory

maximums will not be restated throughout this brochure.

The Agency must provide comparable replacement housing, that is DSS and within your financial means, before you are required to move. The Agency may provide the necessary housing in a number of ways, such as:

- Making a replacement housing payment in excess of the maximum \$5,250 or \$22,500 statutory limits.
- Purchasing an existing comparable residential dwelling and making it available to you in exchange for your dwelling.
- Moving and rehabilitating a dwelling and making it available to you in exchange for your property.
- Purchasing, rehabilitating or reconstructing an existing dwelling to make it comparable to your property.
- Purchasing land and constructing a new replacement dwelling comparable to your dwelling when comparables are not otherwise available.
- Purchasing an existing dwelling, removing barriers or rehabilitating the structure to accommodate a handicapped displaced person when a suitable comparable replacement dwelling is not available.
- Providing a direct loan which will enable you to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

### **Freedom of Choice**

All eligible displaced persons have the freedom of choice in the selection of a replacement dwelling. The Agency will not require you, without your written consent, to accept a replacement dwelling provided by the Agency. If you decide not to accept the replacement housing offered by the Agency, you may secure a replacement dwelling of your choice but it must meet the DSS standard.

If you are eligible for Last Resort Housing, your relocation counselor will thoroughly explain the program to you.

### **Length of Occupancy – Basic Occupancy Requirements**

The type of payment you are eligible for depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to the initiation of negotiations. “Length of occupancy” simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the Agency for the purchase of the property.

The term “initiation of negotiations” is usually the date the Agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer to purchase the property being acquired.

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement or a rental assistance payment.

Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a rental assistance payment or a down payment.

Owners who were in occupancy 90 days to 179 days prior to the initiation of negotiations, may be eligible for a rental assistance payment or a down payment, however, the down payment cannot exceed the amount you would have received if you had been a 180-day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you are considered a displaced person entitled to relocation assistance advisory services and moving payments. You may be entitled to a rental assistance payment if comparable replacement rental housing is not available within your financial means. The Agency will use the financial means test described earlier in this brochure. This involves checking to see if you qualify as low income using the HUD definition. If so, and you are required to pay rent and utilities in excess of 30% of your average monthly gross household income for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Last Resort Housing because comparable replacement housing is not available within your financial means. You should meet with your relocation counselor for an explanation of the relocation benefits that you may be eligible to receive.

## **REPLACEMENT HOUSING – PURCHASE SUPPLEMENT**

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## **For Owner Occupants of 180 Days or More**

If you are an owner and occupied your home for 180 days or more immediately prior to the initiation of negotiations for your property, you may be eligible - in addition to the fair market value of your property - for a supplemental payment for costs necessary to purchase a comparable DSS replacement dwelling. The Agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within one year. A purchase supplement has three components: a price differential, an amount for increased mortgage interest and incidental expenses. The purchase supplement is in addition to the acquisition price paid for your property.

### **Price Differential**

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling.

### **Increased Mortgage Interest**

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. To be eligible your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

### **Incidental Expenses**

You may be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not for prepaid expenses such as real estate taxes and property insurance.

### **Example of a Price Differential Computation**

**Example A:** Assume the Agency purchases your property for \$100,000. After a thorough study of available comparable residential properties on the open market, the Agency determines that a comparable replacement property will cost \$116,500. If you purchase a DSS replacement property for \$116,500, you will be eligible for a price differential payment of \$16,500.

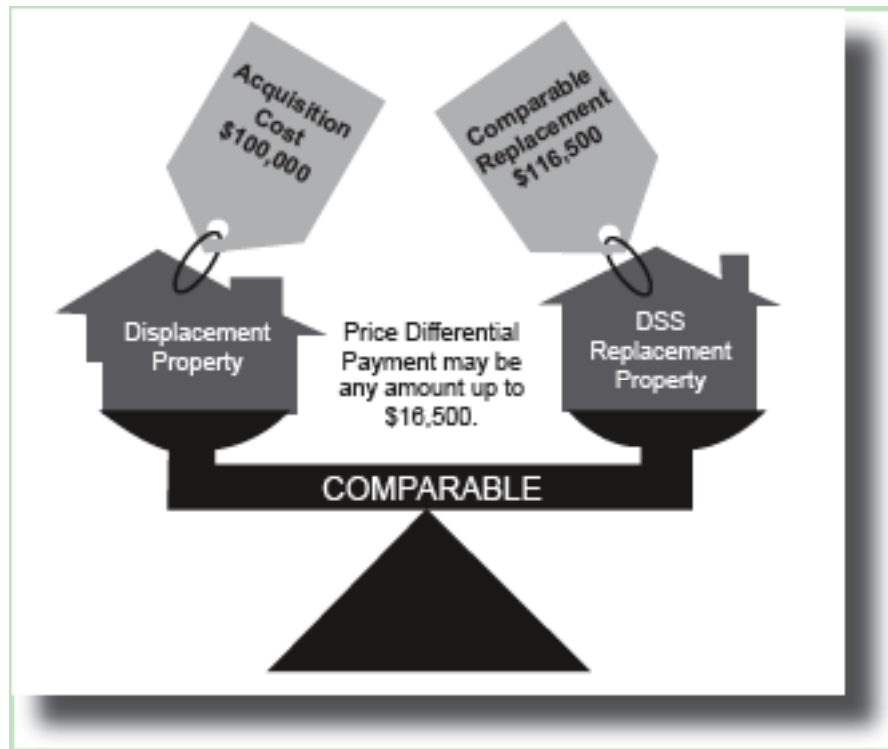
**Example B:** If you purchase a DSS replacement property costing more than



\$116,500, you pay the difference as shown in Example B.

**Example C:** If your purchase price is less than \$116,500, the price differential payment will be based on your actual cost.

|   |  |                  |
|---|--|------------------|
| <b>Agency<br/>Computation<br/>of Maximum<br/>Price Differential<br/>Payment</b> | Cost of Comparable Replacement   | \$116,500        |
|   | Acquisition Price of Your Property   | -\$100,000       |
|   | <b>Maximum Price Differential Payment</b>                                  | <b>\$ 16,500</b> |
| <b>Example A</b>  | Actual Cost of Replacement Property<br>(Same Purchase Price as Comparable) | \$116,500        |
|   | Acquisition Price of Your Property   | -\$100,000       |
|   | <b>Price Differential Payment</b>  | <b>\$ 16,500</b> |
| <b>Example B</b>  | Actual Cost of Replacement Property  | \$125,000        |
|   | Acquisition Price of Your Property   | -\$100,000       |
|   | Difference   | \$ 25,000        |
|   | <b>Price Differential Payment</b>  | <b>\$ 16,500</b> |
|   | You Are Responsible for This Amount  | \$ 8,500         |
| <b>Example C</b>  | Actual Cost of Replacement Property  | \$114,000        |
|   | Acquisition Price of Your Property   | - 100,000        |
|   | <b>Price Differential Payment</b>  | <b>\$ 14,000</b> |
|   | Payment is Based on Actual Cost  |                  |



## REPLACEMENT HOUSING – RENTAL ASSISTANCE

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### 180-Day Owners Who Elect to Rent

A rental computation will be computed based on a determination of the fair market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference will be multiplied by 42. In no circumstances will the rental assistance payment exceed the amount the owner would have received as a price differential described previously.

### For Owner Occupants and Tenants of 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants and owners must have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property.

This payment is designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42-month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you were

paying, you may be eligible for a rental assistance payment. The Agency will determine the maximum payment you may be eligible to receive in accordance with established procedures.

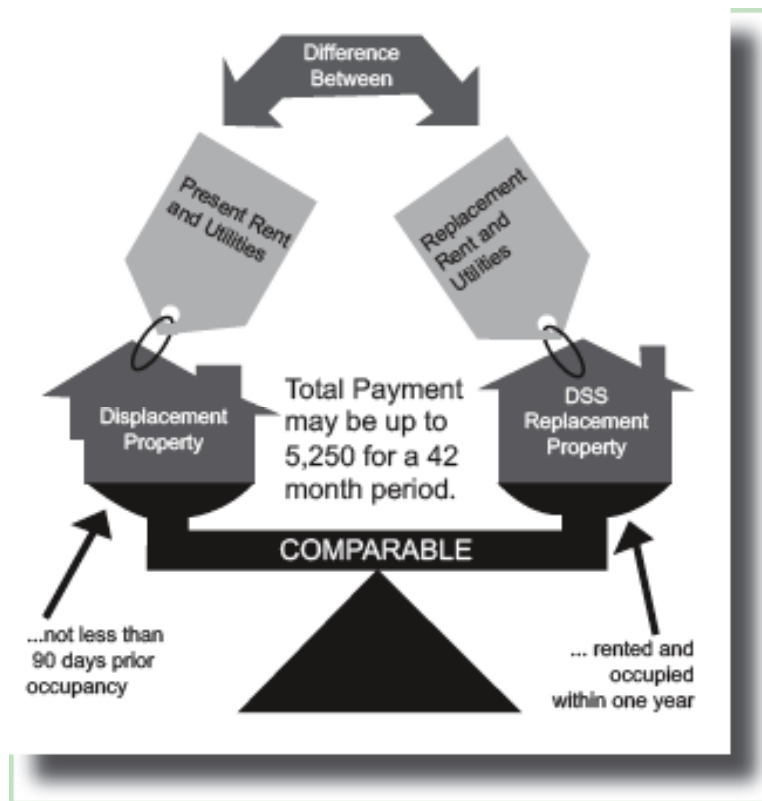
The rental assistance payment will be paid in a lump sum unless the Agency determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within one year to be eligible.

### **Example**

Assume you have been paying \$500 per month rent for the dwelling unit occupied by you and purchased by the Agency. You also pay \$150 per month for utilities (electricity, gas, other heating and cooking fuels, water, and sewer). The rental assistance payment computation always includes the cost of basic utilities (electricity, gas, other heating and cooking fuels, water, and sewer), as well as the cost of rent. If rent includes utilities, a separate computation is not necessary.

After a study of the rental market, the Agency determines that replacement rental unit, that is DSS and comparable to your unit, is available for \$600 per month. It is estimated that average monthly utility costs for the replacement unit will be \$175 per month. The maximum rental assistance payment you can receive is \$125 per month for a 42-month period, or a total of \$5,250.

**Example A:** If you select a DSS replacement dwelling unit that rents for \$650 per month plus \$175 for utilities, despite the availability of comparable DSS replacement rental units that rent for \$600 per month plus \$175 for utilities, you will receive the maximum amount computed by the Agency, or \$5,250. You will be required to pay the additional \$50 per month yourself.



**Example B:** If you select a DSS replacement dwelling unit that rents for more than your present unit, but less than amount determined by the Agency as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for \$575 per month plus \$165 for utilities. On the basis of actual cost, you will be eligible for a payment of \$90 per month for 42 months, or \$3,780.

|  |  |               |
|--|--|---------------|
| <b>Agency Computation of Maximum Rental Assistance Payment</b> | Rent You are Currently Paying            | \$500         |
|  | Plus Cost for Utilities You are Paying   | +150          |
|  |  | \$650         |
|  | Rent for a Comparable DSS Dwelling       | \$600         |
|  | Estimated Cost for Utilities             | +175          |
|  |  | \$775         |
|  | Difference (\$775-650=\$125) x 42 months | \$5250        |
|  | <b>Maximum Rental Assistance Payment</b> | <b>\$5250</b> |
| <b>Example A</b>   | Actual Rent for DSS Replacement Property | \$650         |
|  | Plus Estimated Cost for Utilities        | +175          |
|  |  | \$825         |
|  | Difference (\$825-650=\$175) x 42 months | \$7350        |

|                  |   |                        |
|------------------|---|------------------------|
|                  | <b>Rental Assistance Payment</b>  | <b>\$5250</b>          |
| <b>Example B</b> | Actual Rent for DSS Replacement Property<br>Plus Estimated Cost for Utilities | \$575<br>+165<br>\$740 |
|                  | Difference (\$740-650=\$90) x 42 months                                       | \$3780                 |
|                  | <b>Rental Assistance Payment</b>  | <b>\$3780</b>          |
|                  |   |                        |

## **REPLACEMENT HOUSING – DOWN PAYMENT**

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### **Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More**

Owner occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a down payment and incidental expenses. The Agency will determine the maximum down payment you may be eligible to receive based on its computation for a rental assistance payment. However, the payment for a displaced owner occupant shall not exceed the amount that would have been received by a 180-day owner for the same property.

To be eligible for the full amount of the down payment assistance payment, the entire payment must be used to purchase a DSS replacement dwelling. The payment may be utilized for a down payment toward the purchase price and/or eligible incidental expenses. Incidental expenses include the reasonable costs of title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may be eligible for the reimbursement of loan origination or loan assumption fees if such fees are normal to real estate transactions in your area and do not represent prepaid interest. The combined amount of the down payment and incidental expenses cannot exceed the amount the Agency computed as your maximum rental assistance payment.

The relocation counselor will explain how the Agency determines the maximum down payment assistance payment.

### **DSS REMINDER**

It is very important to remember that the replacement dwelling you select must meet the basic DSS standard. Do not execute a sales contract or a lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent meets the DSS standard. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

## **FAIR HOUSING LAWS**

Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, a minority person shall be given reasonable opportunity to relocate to a DSS replacement dwelling which is not located in an area of minority concentration that is within their financial means. This policy does not require an Agency to provide a displaced person with a larger payment than is necessary to enable the person to relocate to a comparable replacement dwelling.

## **SECTION 3 – BUSINESS, FARM, AND NONPROFIT ORGANIZATIONS**

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### **MOVING COST REIMBURSEMENT**

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Owners or tenants may be paid on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

You must provide the Agency with an inventory of the personal property to be moved and advance notice of the approximate date of the move, unless the Agency specifically tells you these notices are not necessary.

The Agency has the right to inspect the personal property at the displacement and replacement sites, and to monitor the move.

#### **Actual Cost Move**

You may be paid the actual, reasonable and necessary cost of your move when the move is performed by a professional mover or when you elect to move yourself, however, all your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not an inclusive list of moving related expenses. Your relocation counselor will provide you with a complete explanation of reimbursable expenses.

#### **Estimated Cost Move**

If you agree to take full responsibility for all or part of the move of your operation, the Agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the Agency from qualified moving firms, moving consultants, or a qualified Agency staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at the Agency's discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate. The Agency may make the payment without additional documentation.

### **Direct Loss of Tangible Personal Property**

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment is based on the lesser of the value of the item for continued use at the displacement site less the proceeds from its sale, or the estimated cost of moving the item. Your relocation counselor will explain this procedure in detail if this is a consideration for you.

### **Low Value High Bulk Property**

If an Agency considers a personal property item to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

### **Searching Expenses for Replacement Property**

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual, reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; and other expenses determined to be reasonable and necessary by the Agency.

Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, exclusive of any commissions or fees related to the purchase of the



site. Commissions and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.

## **RELATED ELIGIBLE EXPENSES**

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In addition to the moving expenses listed above, costs for these items may be reimbursed if the Agency determines they are actual, reasonable, and necessary:

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services to determine a sites' suitability for the displaced person's operation.
- Impact fees or one time assessments for heavy utility usage as determined necessary by the Agency.

Please discuss this with your relocation counselor before incurring these costs to assure that they are reimbursable.

## **REESTABLISHMENT EXPENSES**

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A small business, farm, or nonprofit organization may be eligible for a payment, not to exceed Ten Thousand (\$10,000), for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm, or nonprofit organization must have not more than 500 employees working at the site who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by Federal, State, and local laws, codes or ordinances.
- Modifications to the replacement real property to make the structure(s) suitable for the operation.
- Construction and installation costs of exterior advertising signs.

- Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.
- Advertising the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Other items that the Agency considers essential for reestablishment.

## **FIXED PAYMENT FOR ACTUAL MOVING EXPENSES (IN LIEU PAYMENT)**

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Displaced businesses, farms, and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than One Thousand (\$1,000) nor more than Twenty Thousand (\$20,000).

For a business to be eligible for a fixed payment, the Agency must determine the following:

- Business owns or rents personal property that must be moved due to the displacement.
- Business cannot be relocated without a substantial loss of its existing patronage.
- Business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the Agency.
- Business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If you are interested in a fixed payment, please consult your relocation counselor for additional information.

### **Computation of Your Fixed Payment**

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period

deemed more representative by the Agency. You must provide the Agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the Agency.

### **Fixed Payment Example**

| 2003   | 2004                            | 2005           |
|--|---------------------------------|----------------|
| Annual Net Earnings<br>\$16,500  | Annual Net Earnings<br>\$18,500 | Year Displaced |
| Average annual net earnings<br>$\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$<br>Fixed Payment = \$17,500 |                                 |                |

## **PROJECT OFFICE**

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The Agency may establish a relocation office near the project. Project relocation offices are usually open during hours convenient to persons being displaced, including evening hours when necessary. If the Agency opens a project office, the staff will be happy to assist you, answer questions, and will maintain various types of information.

## **RELOCATION PAYMENTS ARE NOT CONSIDERED TO BE INCOME**

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No relocation payment received will be considered as income for the purpose of the Internal Revenue Code. No relocation payment received will be considered income for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law (except for any Federal law providing low-income housing assistance).

## **RIGHT TO APPEAL**

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Any aggrieved person may file a written appeal with the head of the Agency if the person believes the Agency has failed to properly determine his or her eligibility for relocation assistance advisory services, or the amount of a relocation payment.

If you have a grievance, you will be given a prompt and full opportunity to be

heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, but solely at your own expense.

The Agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The Agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the Agency will advise you of your right to seek judicial review of the Agency decision.

An alien not lawfully present in the United States shall not be eligible to receive relocation payments or any other assistance provided under 49 CFR Part 24.

This brochure is provided to assist you in understanding your rights and benefits. If you have questions regarding your relocation please contact your sponsoring Agency representative.

Additional information on Federal relocation and acquisition requirements, the law, and the regulation can be found at [www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate) .

## **NOTES:**

## **EXHIBIT D: Public Comments and Response**